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STATE FOR G/TIP, DRL, NEA/RA AND NEA/ARPI

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TAGS: [PREL](#) [PHUM](#) [KCRM](#) [AE](#)
SUBJECT: UAE PASSES ANTI-TIP LEGISLATION

REF: STATE 87336

¶1. (U) On November 10, UAE President Khalifa bin Zayed Al-Nahyan issued a federal law to combat human trafficking in the UAE. The law defines trafficking in generally the same manner as the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, upon which the UAE legislation is reportedly based. The law will take effect one-month after its publication in the Official Gazette(usually published the last week of each month).

Definitions (unofficial translation)

¶2. (U) The new law defines human trafficking as "recruiting, transporting, dispatching, or receiving persons through the use or threatened use of force, or any other form of coercion, kidnapping, deceit, manipulation, misuse of power, exploitation of other's weaknesses, or giving or receiving funds or advantages to win support of a person having influence over another person with a view to exploiting them." Exploitation is defined to include "all forms" of exploitation for "sex, engaging others in prostitution, servitude, forced labor, enslavement, quasi-slavery practices, involuntary servitude, detachment of organs, or subjugation."

Penalties

¶3. (U) The law establishes criminal penalties for trafficking in persons, as well as for complicity or failure to report known plans to traffic in persons, coercing someone to provide false testimony in the investigation or prosecution of trafficking, and covering up or tampering with evidence. There are also financial penalties for corporate entities whose owners, employees, or agents are involved in any of the above.

¶4. (U) Under the new law, anyone directly involved in the trafficking of persons is punishable by a mandatory term of no less than five years in prison. The mandatory sentence is increased to life imprisonment if the victim was a female under the age of 18 or handicapped, or if the perpetrator meets any of the following conditions:
-- the perpetrator committed the crime as part of an organized criminal gang,
-- the crime was committed through deceit, and involved the use of force or threat of murder or bodily harm, or involved physical or psychological torture,
-- the perpetrator is the husband, ancestor, descendent, or guardian of the victim,
-- the perpetrator is a public servant, or commissioned with a public task.

¶5. (U) Any individual complicit in the trafficking of a person, but is not directly involved, or was aware of a plan to commit the crime and failed to report it to authorities,

may be sentenced to a prison sentence of one to five years, or a fine ranging from AED 5,000 to 10,000 (\$1,365 to \$2,730), or any combination of the two. Furthermore, any person who uses either his/her position of authority, or the threat of violence, to coerce another to provide false testimony in either the investigation or prosecution of a trafficking crime shall also be subject to a prison term of no less than five years. Corporate entities whose owners, employees, or agents are involved in the trafficking of persons are subject to fines ranging from AED 100,000 to 1 million (\$27,300 to \$273,000) in addition to the criminal penalties previously described for individual perpetrators.

¶6. (SBU) Comment: This law significantly clarifies the UAE's criminalization of human trafficking. At first blush, it appears to address all forms of human trafficking, with emphasis on sex and labor trafficking, and generally reflects the definitions established in the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons. Although the law does not specifically refer to "debt bondage" (reftel), the (unofficial translation) definitions appear to be significantly broad enough to include this form of labor trafficking. Post will report septel on the implementation of this law. End comment.
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